

[Caption as in Form 416A, 416B, or 416D, as appropriate]

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): Gilvia Vonzella Wilson
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding. For appeals in a bankruptcy case and not in an

Plaintiff
 Defendant
 Other (describe) _____

adversary proceeding.
 Debtor
 Creditor
 Trustee
 Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Terminating Automatic Stay
2. State the date on which the judgment, order, or decree was entered: 01/25/2019

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Gilvia V. Wilson Attorney: Jacob W. Early, Esq.

Woehrle Dahlberg Jones Yao, PLLC
1900 E. Parham Road
Henrico, VA 23228
Tel: 804-261-2694

2. Party: Trustees Under the Stan S. Cutler Revocable Trust Agreement Attorney: Robert L. Flax, Esq.

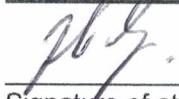
Robert L. Flax, P.C.
8 S. Sheppard Street
Richmond, VA 23221
Tel: 804-355-8425

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below



Date: 2/8/19.

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

Jacob W. Early
Woehrle Dahlberg Jones Yao, PLLC
1900 E. Parham Road
Henrico, VA 23228
Tel: 804-261-2694

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

ATTACHMENT TO

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 3: Identify the other parties to the appeal

3. Party: Susanne E. Wade, Trustee
PO Box 1780
Richmond, VA 23218

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF
VIRGINIA
Richmond Division

IN RE:
GILVIA VONZELLA WILSON,
Debtor

Case No. 17-36405-KLP
Chapter 13

THE TRUSTEES UNDER THE STAN S.
CUTLER REVOCABLE TRUST AGREEMENT,
Movant

Vs.

GILVIA VONZELLA WILSON,
Debtor/Respondent

And
Suzanne E. Wade,
Trustee/Respondent

**ORDER TERMINATING AUTOMATIC STAY
REAL PROPERTY LOCATED AT 2444 COUNTY DRIVE AND
2448 COUNTY DRIVE PETERSBURG, VIRGINIA**

UPON CONSIDERATION of the Motion for Relief from Automatic Stay (“Motion”) filed by The Trustees Under the Stan S. Cutler Revocable Trust Agreement, and any response thereto, and good cause having been shown, it is hereby

ORDERED, that the Motion be, and the same is hereby **GRANTED**; and it is further
ORDERED that the Automatic Stay imposed by 11 U.S.C. § 362 is modified to permit

The Trustees Under the Stan S. Cutler Revocable Trust Agreement to enforce the lien of its Deed of Trust as it pertains to the real property located at (1) 2448 County Drive Petersburg, Virginia AND (2) 2444 County Drive, Petersburg, Virginia and it is more particularly described as follows:

1. The street address is 2448 County Drive, Petersburg, Va. The legal description is;

All that certain lot or parcel of land, with the improvements thereon and the appurtenances thereto belonging, lying, being and situate in the City of Petersburg, Virginia, containing 2.63 Acres known as Parcels A & B, on a certain plat entitled 'PLAT OF 2444 COUNTY DRIVE, 2.63 ACRES OF LAND LOCATED ON COUNTY DRIVE, U. S. ROUTE #460 PETERSBURG, VIRGINIA FOR SAMUEL S. DUELL AND DEBORAH G. COSGROVE" dated October 15, 1987 made by Charles C. Townes & Associates, a copy of which is attached to the next hereinafter mentioned deed.

LESS AND EXCEPT .5823 Acres as shown on plat entitled "PLAT SHOWING 0.5823 AC. PARCEL PETERSBURG, VIRGINIA FOR STAN CUTLER" dated

June 6, 1995, made by George M. Whitman & Associates, conveyed to Gilvia Stith by deed dated September 20, 1995, and recorded in the Clerk's Office of the Circuit Court of the City of Petersburg, Virginia, in Deed Book 544, page 895, from Nettie L. Cutler, Trustee and Gary S. Cutler, Trustee.

It being the same property in all respects which was conveyed to Gilvia V. Stith by deed from Nettie L. Cutler, Trustee and Gary S. Cutler, Trustee, Trustees under the Stan S. Cutler Revocable Trust Agreement dated June 30, 1999, to be recorded along with but prior to the recording of this deed of trust.

2. The street address is 2444 County Drive, Petersburg, Va. The legal description is:

All that certain lot or parcel of land, with the improvements thereto, and the appurtenances thereto belonging, lying, being and situate in the City of Petersburg, Virginia, containing 0.5823 Acres, and shown on a plat entitled "PLAT SHOWING 0.5823 AC, PARCEL, PETERSBURG, VIRGINIA FOR STAN CUTLER," dated June 6, 1995, made by George Whitman & Associates, a copy of which is made for a more particular description.

Being the same property that was conveyed to Gilvia V. Smith by deed from Nettie L. Cutler and Gary S. Cutler, Trustees, under The Stan L. Cutler Revocable Trust, said deed being dated September 26, 1995 and having been recorded contemporaneously herewith but immediately prior hereto.

which relief shall extend to the purchaser to take such action under state law, as may be necessary, to obtain possession of the property; and it further

ORDERED, that Movant shall file with this Court an Amended Proof of Claim for the Deficiency payment from the sale of collateral within 120 days from the date of the entry of the Order Terminating Automatic Stay or be barred from filing such claim; and it is further.

ORDERED, that Relief from the Automatic Stay is granted, allowing Movant to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon (or to enter into a Deed in Lieu of Foreclosure) and obtain possession of the Property; and it is further

ORDERED that this Order is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code; and it is further

ORDERED This Order is immediately effective and is not stayed by operation of law, notwithstanding the stay provisions of Fed. R. Bankr. P. 4001(a)(3). ; and it is further

ORDERED, that it be exempted from further compliance with Fed. R. Bankr. P. 3002.1 in the instant bankruptcy case.

Date: Jan 25 2019

BY THE COURT:

/s/ Keith L. Phillips

Keith L. Phillips
U.S. Bankruptcy Court Judge

I ASK FOR THIS:

Entered on Docket: 1/25/19

/s/ Robert L. Flax

Robert L. Flax

ROBERT L. FLAX, P.C.

8 South Sheppard Street Richmond, VA 23221

Tel: (804) 355-8425

Fax: (804) 355-9129

robertflax@flaxlegal.com

Counsel for Movant

The Clerk shall mail a copy of the entered Order to the following:

Robert L. Flax
ROBERT L. FLAX, P.C.
8 South Sheppard Street
Richmond, VA 23221
Attorneys for the Movant

Gilvia Vonzella Wilson
436 Hoke Drive
Petersburg, VA 23805
Debtor

Eamonn Bates Foster
Woehrle Dahlberg Jones Yao,
PPLC 1900 Parham Road
Richmond, VA 23228
Attorney for the Debtor

Suzanne E. Wade
P.O. Box 1780
Richmond, VA 23218-1780
Chapter 13 Trustee

Dated: January 11, 2019

Respectfully Submitted,
THE TRUSTEES UNDER THE STAN S.
CUTLER REVOCABLE TRUST AGREEMENT

/s/ Robert L. Flax
Robert L. Flax
ROBERT L. FLAX, P.C.
8 South Sheppard Street Richmond, VA 23221
Tel: (804) 355-8425
Fax: (804) 355-9129
robertflax@flaxlegal.com
Counsel for Movant

CERTIFICATE OF SERVICE

The undersigned states that on January 9, 2019, copies of the foregoing Order Granting Relief were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Suzanne E. Wade
P.O. Box 1780
Richmond, VA 23218-1780
Bankruptcy Trustee

Eamonn Bates Foster
Woehrle Dahlberg Jones Yao,
PPLC 1900 Parham Road
Richmond, VA 23228
[efoster@lawfirmvirginia.c
om](mailto:efoster@lawfirmvirginia.com) *Debtor's Attorney*

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Order Granting Relief to the following non-ECF participants:

Gilvia Vonzella Wilson
436 Hoke Drive
Petersburg, VA 23805
Debtor

/s/ Robert L. Flax
Robert L. Flax